

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper and the documents and/or fees referred to as attached therein are being deposited with the United States Postal Service on April 14, 2004 in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR §1.10, Mailing Label Number EV334823032US, addressed to the Commissioner for Patents, P.O. Box 1450 Alexandria, VA, 22313-1450.

Jeffrey Ng

Attorney Docket No.: PLUSP038

First Named Inventor: Steven J. Visco

19270 U.S. PTO
10/825587

UTILITY PATENT APPLICATION TRANSMITTAL (37 CFR. § 1.53(b))
(Regular application claiming priority of a provisional)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir: This is a request for filing a patent application under 37 CFR. § 1.53(b) in the name of inventors:
Steven J. Visco, Yevgeniy S. Nimon, Bruce D. Katz, and Lutgard C. De Jonghe

For: **ACTIVE METAL FUEL CELLS**

Assigned to: PolyPlus Battery Company

Priority of U.S. provisional application No. 60/529,825 filed on December 15, 2003 and U.S. provisional application No. 60/518,948 filed on November 10, 2003 are claimed under 35 U.S.C. § 119(e).

☐ Amend the specification by inserting after the title the sentence: "This application claims priority of U.S. provisional application No. _____ filed on _____ which is hereby incorporated by reference."

Application Elements:

- ☒ **23** Pages of Specification, Claims and Abstract
☒ **04** Sheets of formal Drawings
☐ Combined Declaration and Power of Attorney
☐ Separate Declaration

Accompanying Application Parts:

- ☐ Do not publish this application. Nonpublication Request is attached.
☐ Assignment and Assignment Recordation Cover Sheet (recording fee of \$40.00 enclosed)
☐ Separate Power of Attorney by Assignee
☐ 37 CFR 3.73(b) Statement by Assignee
☐ Information Disclosure Statement with Form PTO-1449
☐ Preliminary Amendment
☒ Return Receipt Postcard
- ☐ Copies of IDS Citations

Claim For Foreign Priority

- ☐ Priority of Application No. filed on
is claimed under 35 U.S.C. § 119.
- ☐ The certified copy is enclosed.
- ☐ The certified copy has been filed in prior application U.S. Application No.
- ☐ The certified copy will follow.

Fee Calculation (37 CFR § 1.16)

☒ **PLEASE DEFER FILING FEES AT THIS TIME.**

☐ Check No. in the amount of \$ is enclosed.

☐ The Commissioner is authorized to charge any fees beyond the amount enclosed which may be required, or to credit any overpayment, to Deposit Account No. 500388 (Order No.).

General Authorization for Petition for Extension of Time (37 CFR §1.136)

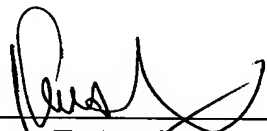
☒ Applicants hereby make and generally authorize any Petitions for Extensions of Time as may be needed for any subsequent filings. The Commissioner is also authorized to charge any extension fees under 37 CFR §1.17 as may be needed to Deposit Account No. 500388 (Order No. PLUSP038).

☒ Please send correspondence to the following address:

Customer Number 022434

022434

Date: April 14, 2004


James E. Austin
Registration No. 39,489